

**A BILL FOR AN ORDINANCE AMENDING ARTICLE 11 OF
CHAPTER 5A, KAUAI COUNTY CODE 1987,
RELATING TO REAL PROPERTY TAX EXEMPTION**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this ordinance is to provide real property tax exemption to residential homeowners who construct safe rooms which meet the minimum design specifications listed below. The construction of a safe room will provide the citizens of Kauai with additional shelter during hurricane and high winds conditions and decrease public shelter requirements during such conditions in the future.

SECTION 2. A new section shall be added to Article 11. Exemptions, Chapter 5A, Kauai County Code 1987, to read as follows:

“Sec. 5A-11.27 Safe Room Exemption.

(a) Definitions. When used in this section 5A-11.27:

“Owner” shall have the meaning ascribed to it in Article 7, Sec. 5A-7.1, Kauai County Code.

“Safe Room” means a windowless room within a residence or within an accessory building to a residence, designed and constructed to resist the effects of wind pressures and to resist the impact from windborne debris which, upon completion of construction, meets the following minimum design specifications:

- (1) Location – The safe room shall not be located in a flood zone, storm surge, or other area susceptible to flooding.
- (2) Access – The safe room must be readily and easily accessible to persons residing within the residence.
- (3) Load Criteria – Design and construction of the safe room shall be for wind loads of not less than 250 miles per hour, in accordance with American Society of Civil Engineers Standard Number 7-98 Minimum Design Loads For Buildings And Other Structures with an Importance Factor (I) of 1.0, a Directional Factor (Kd) of 1.0, a Minimum Site Exposure of C, and as recommended by the Federal Emergency Management Agency (hereafter FEMA) publication 320 “Taking Shelter From the Storm: Building a Safe Room Inside Your House,” August 1999 edition, as amended.
- (4) Missile Impact Criteria – Design and construction of the safe room shall be for missile impact not less than or equal to a fifteen (15) pound,

wooden, two (2) inch-by-four (4) inch beam, striking on one-end, perpendicular to any building component, traveling at not less than 100 miles per hour, in accordance with systems tested, approved, and recommended by FEMA 361 "Design and Construction Guidance For Community Shelters," July 1999 edition, as amended.

- (5) Size Criteria – Shall contain not less than forty (40) square feet of interior floor space or ten (10) square feet of interior space per occupant, whichever is more.
- (6) Ventilation – Shall be in accordance with the Building Code of the County of Kauai, Chapter 12, Kauai County Code 1987.
- (7) References – The Safe Room shall be designed and constructed pursuant to standards which at a minimum are in compliance with FEMA 320 "Taking Shelter From the Storm: Building a Safe Room Inside Your House," August 1999 edition, as amended, and FEMA 361 "Design and Construction Guidance For Community Shelters," July 1999 edition, as amended.

(b) Application for Eligibility. The owner of real property with a residential building(s), which meets the safe room definition, may apply to the Director pursuant to K.C.C. 1987, sec. 5A-11.1 for a safe room exemption. No exemption shall be granted unless the owner has submitted to the Director an acceptable certification from an architect or structural engineer licensed to practice in the State of Hawaii stating that the completed safe room meets the minimum FEMA and Building Code specifications for a safe room.

(c) Partial Valuation Exemption. Residential buildings or accessory buildings to a residence certified as containing one (1) or more safe rooms shall receive an exemption of \$40,000 per residence."

SECTION 3. Sec. 5A-11.1, Kauai County Code 1987, is further amended to read as follows:

"Sec. 5A-11.1 Claim for Certain Exemptions.

- (a) None of the exemptions from taxation granted in Sections 5A-11.4, 5A-11.6 to 5A-11.11, [and] 5A-11.24, and 5A-11.27 shall be allowed in any case, unless the claimant shall have filed with the Director of Finance, on or before December 31 preceding the tax year for which such exemption is claimed, a claim for exemption in such form as shall be prescribed by the department."

SECTION 4. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

Introduced by: /s/ James Kunane Tokioka
(By Request)

Date of Introduction:
September 20, 2000
Lihue, Kauai, Hawaii